

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

OK

June 25, 2008

TO: Internal File

THRU: Daron R. Haddock, Permit Supervisor *DRH*
Steve K. Christensen, Team Lead *SKC*

FROM: Wayne H. Western, Environmental Scientist III *WHW*

RE: Wellington Dry-Coal Cleaning Facility Application, Headwaters, Incorporated,
Coval, Permit C/007/0045 and Task ID #2899

SUMMARY:

On January 15, 2008, the Division received a permit application package from Headwaters, Inc. for the Wellington Dry-Coal cleaning Facility also know as COVOL.

The Permittee uses an air-jig process to sort coal into different grades. The permit area consists of approximately 30 acres of previously disturbed land. The area is zoned for industrial use. Upon completion of the project, the Permittee will restore the land to an industrial use.

This memo deals with engineering and bonding issues:

R645-301-521.131, The Permittee must include a map that shows the subsurface ownership for the permit and adjacent areas.

R645-301-521.190, The Permittee must include a legal description of the permit area in Chapter 1 of the MRP or reference that information in Chapter 1. The Permittee must also include a table in Chapter 1 that states the number of federal, state and fee acres. The Division often needs that information for reports. The Permittee must also show on Plate 5-1 or similar map a commonly used coordinate system such as township, range and section or state plane coordinate system or UTM.

R645-301-521.152 The Permittee must show on the existing surface configuration map show the topography 100 feet beyond the limits of the mining disturbance. Plate 5-1 does not show the existing topography 100 feet beyond the disturbed areas.

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- R645-301-521.131**, The Permittee must include a map that shows the subsurface ownership for the permit and adjacent areas.
- R645-301-526.116** The Permittee must state in the application if they will conduct mining and reclamation activities within 100 feet of the right-of-way of a public road except where mine access or haul roads join that right-of-way.
- R645-301-521.160** The Permittee must identify the roads on the surface facilities map, Plate 5-1 and give a brief description of each road including the roads that branch off from the main road.
- R645-301-527.230**, The Permittee must include maintenance plan for the roads for the life of mine.
- R645-301-527.240**, The Permittee must include a commitment to repair the roads if they are damaged by a catastrophic event
- R645-301-528.320**, The Permittee must use terms that are defined in the Utah Coal Rules when describing those products that will be produced during the coal processing. The Utah Coal Rules define coal processing waste are earth materials which are separated from the product coal during cleaning, concentrating, or the processing or preparation of coal. The term by-product stock, alternative product and debris are not defined in the Utah Coal Rules and should not be used to describe coal that has been processed. The Permittee can describe the types of coal that will be produced during coal processing and where they will be stored. In Section 7.4.6.1 of the MRP, the Permittee state that there is no coal mine waste that is permanently stored on site. That information is confusing. Any coal mine waste generated on site or shipped to the site must either be disposed of on site in a refuse pile or shipped off site to a permitted refuse pile.
- R645-301-521.100**, The Permittee must show on Plate 5-1 and other relevant maps the type of coal products that will be stored on site.
- R645-301-521.190**, The Permittee state in the MRP and on all relevant maps the amount of coal that will be stored on each coal storage area.
- R645-301-528.323**, The Permittee must replace the term debris with one defined in the Utah Coal Rules when describing how to control burning and burned waste utilization. Note: Coal mine waste fires require special handling techniques. Fire extinguishers are not able to handle most coal fires.

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R645-301-553, The Permittee must give the Division a detailed backfilling and grading plan. The plan must include volumes of materials to be moved, haul distances and grades.

R645-301-551, The Permittee must describe how the will close all underground openings including wells.

R645-301-542.600, The Permittee must state how they will deal with coal processing waste that were used as road base. Such materials cannot be left on the roads at reclamation.

R645-301-542, The Permittee must give the Division detailed maps and cross sections that show, the final surface configuration, the facilities that will remain after final reclamation including all surface and subsurface manmade features.

R645-301-830.130, The Permittee must provide the Division with a detailed reclamation cost estimate for reclaiming the site. The Division needs this information to determine the amount of bond that should be posted.

TECHNICAL ANALYSIS:

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

PERMIT AREA

Regulatory Requirements: 30 CFR 783.12; R645-301-521.

Analysis:

The Permittee did not meet the requirements of this section. The Permittee showed the surface ownership on Figure 5-2, Land Ownership. The Permittee is required by R645-301-521.131 to show the subsurface owners. The Permittee must also include a legal description of the permit boundaries in MRP. In addition, the Permittee must include a table that shows the number of acres owned by the federal government, State government and private individuals.

The Permittee must also show on Plate 5-1 or similar map a commonly used coordinate system such as township, range and section or state plane coordinate system or UTM.

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Findings:

The information provided in the permit application is not considered adequate to meet the requirements of this section. Before approval, the Permittee must provide the following in accordance with:

R645-301-521.131, The Permittee must include a map that shows the subsurface ownership for the permit and adjacent areas.

R645-301-521.190, The Permittee must include a legal description of the permit area in Chapter 1 of the MRP or reference that information in Chapter 1. The Permittee must also include a table in Chapter 1 that states the number of federal, state and fee acres. The Division often needs that information for reports. The Permittee must also show on Plate 5-1 or similar map a commonly used coordinate system such as township, range and section or state plane coordinate system or UTM.

MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.24, 783.25; R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731.

Analysis:

Affected Area Boundary Maps

The Permittee met the requirements of this section. The Permittee showed the affected area is the Division considers is the permit area on several maps including Plate 5-1.

Existing Structures and Facilities Maps

The Permittee met the requirements of this section. The Permittee showed the existing structures and facilities on Plate 5-1.

Existing Surface Configuration Maps

The Permittee did not meet the requirements of this section. Because the Permittee and others disturbed the area before it was permitted, the Permittee cannot produce a map that shows the pre-disturbed topography. Map 5-1 shows the existing topography and the Division will consider the map to show the existing surface because the maps shows the surface before the site was permitted.

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R645-301-521.152 requires that the existing surface configuration map show the topography 100 feet beyond the limits of the mining disturbance.

Mine Workings Maps

The Permittee met the requirements of this section. There are no mine workings in the area see Section 5.2.1.1 of the MRP.

Permit Area Boundary Maps

The Permittee met the requirements of this section. The Permittee showed the permit area on several maps including Plate 5-1.

Surface and Subsurface Ownership Maps

The Permittee did not meet the requirements of this section. The Permittee showed the surface ownership on Figure 5-2, Land Ownership. The Permittee is required by R645-301-521.131 to show the subsurface owners.

Findings:

The information provided in the permit application is not considered adequate to meet the requirements of this section. Before approval, the Permittee must provide the following in accordance with:

R645-301-521.152 The Permittee must show on the existing surface configuration map show the topography 100 feet beyond the limits of the mining disturbance. Plate 5-1 does not show the existing topography 100 feet beyond the disturbed areas.

R645-301-521.131, The Permittee must include a map that shows the subsurface ownership for the permit and adjacent areas.

OPERATION PLAN

MINING OPERATIONS AND FACILITIES

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Analysis:

The Permittee met the requirements of this section. The Permittee provided the Division with a general operation plan in Section 5.2.8 and 5.2.6 of the MRP.

Findings:

The information provided in the permit application is considered adequate to meet the requirements of this section.

EXISTING STRUCTURES:

Regulatory Reference: 30 CFR 784.12; R645-301-526.

Analysis:

The Permittee met the requirements of this section. "Existing Structure" means a structure or facility used in connection with or to facilitate coal mining and reclamation operations for which construction began before January 21, 1981.

In Section 5.2.6.1 of the MRP, the Permittee states that the facilities were constructed between July 2005 and January 2006. The Permittee lists the structures on Plate 5-1.

Findings:

The information provided in the permit application is considered adequate to meet the requirements of this section.

RELOCATION OR USE OF PUBLIC ROADS

Regulatory Reference: 30 CFR 784.18; R645-301-521, -301-526.

Analysis:

The Permittee did not meet the requirements of this section. The Permittee must state in the application if they will conduct mining and reclamation activities within 100 feet of the right-of-way of a public road except where mine access or haul roads join that right-of-way.

Findings:

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The information provided in the permit application is not considered adequate to meet the requirements of this section. Before approval, the Permittee must provide the following in accordance with:

R645-301-526.116 The Permittee must state in the application if they will conduct mining and reclamation activities within 100 feet of the right-of-way of a public road except where mine access or haul roads join that right-of-way.

COAL RECOVERY

Regulatory Reference: 30 CFR 817.59; R645-301-522.

Analysis:

There will be no coal mining at the site. The Permittee will only be doing coal processing.

Findings:

The information provided in the permit application is considered adequate to meet the requirements of this section.

SUBSIDENCE CONTROL PLAN

Regulatory Reference: 30 CFR 784.20, 817.121, 817.122; R645-301-521, -301-525, -301-724.

Analysis:

There will be no coal mining at the site. The Permittee will only be doing coal processing.

Findings:

The information provided in the permit application is considered adequate to meet the requirements of this section.

SLIDES AND OTHER DAMAGE

Regulatory Reference: 30 CFR Sec. 817.99; R645-301-515.

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Analysis:

The Permittee met the requirements of this section. In Section 5.1.5.1 of the MRP, the Permittee outlines the procedures for handling slides and other damages.

Findings:

The information provided in the permit application is considered adequate to meet the requirements of this section.

ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES

Regulatory Reference: 30 CFR Sec. 784.24, 817.150, 817.151; R645-301-521, -301-527, -301-534, -301-732.

Analysis:

Road Classification System

The Permittee met the requirements of this section. The Permittee listed in Section 5.2.7.1 of the MRP that all roads within the permit area are primary roads.

Plans and Drawings

The Permittee did not meet the requirements of this section. The roads were constructed before the site was permitted. The Permittee had the roads inspected by a professional engineer who found that the roads meet the general performance standards, see Appendix 5-1. The Division will use the information in Appendix 5-1 for much of the design standards.

The general design standards for roads are:

- **Maps and Cross Sections.** The Permittee must identify the roads on the General Site Map, Plate 5-1. While the main road does loop around the site, there are side roads that the Permittee must also identify. The Permittee must also include dimension for the road cross section on Figure 5-3, including the type and thickness of the road surface material.
- **Streams.** The area is flat and there are no streams in that would require specific design drawings.
- **Reclamation:** The Permittee states in Section 5.4.2.6 of the MRP that all roads and parking areas will be left in place for the future landowner. The Permittee must show that the roads will be left in place at the request of the current landowner.

Performance Standards

The Permittee did not meet the general performance standards. The Permittee must state in Section 5.2.7 the general maintenance plan for the roads for the life of the project and a commitment to repair the roads if they are damaged by a catastrophic event.

The Division considers that most of the general performance standards will be met if the hydrology and biology requirements will be met. The Permittee stated in Section 5.3.4.1 that no acid or toxic forming materials will be used in the road surfaces.

The Permittee did not provide detailed designs and calculations that show if the road embankments will be the 1.3 safety factor requirement. The area is relatively flat and the safety concerns are addressed in Appendix 5-1. Therefore, the Division does not need any additional information at this time.

Primary Road Certification

The Permittee met the requirements of this section. The maps and cross section have been certified as well as the information in Appendix 5-1.

Other Transportation Facilities

The Permittee met the requirements of this section. The only other transportation facilities are conveyors used in the yard. The conveyors are shown on Plate 5-1.

Findings:

The information provided in the permit application is not considered adequate to meet the requirements of this section. Before approval, the Permittee must provide the following in accordance with:

R645-301-521.160 The Permittee must identify the roads on the surface facilities map, Plate 5-1 and give a brief description of each road including the roads that branch off from the main road.

R645-301-527.230, The Permittee must include maintenance plan for the roads for the life of mine.

R645-301-527.240, The Permittee must include a commitment to repair the roads if they are damaged by a catastrophic event

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SPOIL AND WASTE MATERIALS

Regulatory Reference: 30 CFR Sec. 701.5, 784.19, 784.25, 817.71, 817.72, 817.73, 817.74, 817.81, 817.83, 817.84, 817.87, 817.89; R645-100-200, -301-210, -301-211, -301-212, -301-412, -301-512, -301-513, -301-514, -301-521, -301-526, -301-528, -301-535, -301-536, -301-542, -301-553, -301-745, -301-746, -301-747.

Analysis:

Disposal Of Noncoal Mine Wastes

The Permittee met the requirements of this section. In Section 5.2.8.3 of the MRP, the Permittee states how they will handle non-coal mine waste. The Permittee claims that they will not generate hazardous waste at the site. If the Permittee does generate hazardous waste they will comply with the resource recovery protection act.

Coal Mine Waste

The Permittee did not meet the requirements of this section.

The Permittee states in several sections of the MRP that no coal mine waste will be generated at the site. See Section 5.1.2.1, Section 5.1.2.2 and Section 5.1.3.3 of the MRP. In Section 5.2.8.3 of the MRP, the Permittee states:

The facility will incorporate all of its "coal processing waste" into one of its end products. Hence, this material is considered a product and not a waste. The facility is operated so that all of the coal cleaning products and byproducts are marketable. This is accomplished by blending various grades of coal so that they satisfy the ash requirements of its customers. Thus, the plant will be operated without requiring permanent storage of coal processing waste.

In Section 5.3.6 of the MRP, the Permittee states:

Since there is no coal mining at this facility, there is no generation of coal mine waste. The COVOL Dry-Coal Cleaning Facility has been designed to operate so that all "coal processing waste" is converted into a marketable product. Therefore, this material is considered a product, not a waste. This is accomplished by blending various grades of coal product for use at client locations. Although some of the material that is temporarily stockpiled at the site may be considered "coal processing waste," no permanent storage of this material occurs on site. Since these piles are frequently disturbed, no compaction is necessary.

In Section 5.5.3.2 of the MRP, the Permittee states:

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Coal processing waste within the permit area is blended so that it can be sold for offsite uses. It is possible that small quantities (less than 1,500 yd³) of coal processing waste will be present during reclamation. If so, this waste will either be sold as a byproduct or properly disposed of at an offsite location.

In Section 7.4.6.1 of the MRP, the Permittee states:

There is no coal mine waste that is permanently stored on site.

Definitions for coal, coal mine waste, coal processing waste and underground development waste are given in R645-100 of the Utah Coal Rules. "Coal Processing Waste" means earth materials which are separated from the product coal during cleaning, concentrating, or the processing or preparation of coal.

The Utah Coal Rules do not define the term byproduct. The Permittee must use terms that are defined by the Utah Coal Rules when referring to materials that will be produced at the site.

The Permittee must identify the location of each coal stockpile on the Plate 5-1 and in the text. The Permittee must give the storage capacity of each coal stockpile and a commitment that all coal on the site whether processed or none processed will be stored only in designated coal stockpile site.

Refuse Piles

The Permittee met the requirements of this section. In Section 5.5.3.2 of the MPR, the Permittee states that no refuse piles exist within the permit area.

Impounding Structures

The Permittee met the requirements of this section. In Section 7.4.6.3 of the MRP, the Permittee states that there are no impounding structures within the permit area that are constructed of coal mine waste or used to impound coal mine waste. Also see Section 5.2.8.3 of the MRP.

Burning And Burned Waste Utilization

The Permittee did not meet the requirements of this section. In Section 5.2.8.3 of the MRP, the Permittee states:

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Because debris that is generated at the mine site is only temporarily stored at the facility there is no significant potential for this debris to spontaneously combust. Fire extinguishers are kept on mobile equipment in the mine yard to extinguish fires that may occur.

The term debris is not defined in the Utah Coal Rules and is confusing in the context of the operational plan. Coal mine waste fires require special handling techniques. Fire extinguishers are not able to handle most coal fires.

Return of Coal Processing Waste to Abandoned Underground Workings

The Permittee met the requirements of this section. In Section 7.4.6.4 of the MRP, the Permittee states that there are no underground workings at the site.

Excess Spoil:

The Permittee met the requirements of this section. In Section 5.1.2.2 of the MRP, the Permittee states that no excess spoil will be generated from the permit area.

Findings:

The information provided in the permit application is not considered adequate to meet the requirements of this section. Before approval, the Permittee must provide the following in accordance with:

R645-301-528.320, The Permittee must use terms that are defined in the Utah Coal Rules when describing those products that will be produced during the coal processing. The Utah Coal Rules define coal processing waste as earth materials which are separated from the product coal during cleaning, concentrating, or the processing or preparation of coal. The term by-product stock, alternative product and debris are not defined in the Utah Coal Rules and should not be used to describe coal that has been processed. The Permittee can describe the types of coal that will be produced during coal processing and where they will be stored. In Section 7.4.6.1 of the MRP, the Permittee states that there is no coal mine waste that is permanently stored on site. That information is confusing. Any coal mine waste generated on site or shipped to the site must either be disposed of on site in a refuse pile or shipped off site to a permitted refuse pile.

R645-301-521.100, The Permittee must show on Plate 5-1 and other relevant maps the type of coal products that will be stored on site.

R645-301-521.190, The Permittee states in the MRP and on all relevant maps the amount of coal that will be stored on each coal storage area.

R645-301-528.323, The Permittee must replace the term debris with one defined in the Utah Coal Rules when describing how to control burning and burned waste utilization. Note: Coal mine waste fires require special handling techniques. Fire extinguishers are not able to handle most coal fires.

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR Sec. 773.17, 774.13, 784.14, 784.16, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-300-140, -300-141, -300-142, -300-143, -300-144, -300-145, -300-146, -300-147, -300-148, -301-512, -301-514, -301-521, -301-531, -301-532, -301-533, -301-536, -301-542, -301-720, -301-731, -301-732, -301-733, -301-742, -301-743, -301-750, -301-761, -301-764.

Analysis:

Discharges Into An Underground Mine

There are no underground workings at the site.

Gravity Discharges From Underground Mines

There are no underground workings at the site.

Impoundments

The Permittee met the requirements of this section. The Permittee constructed the two sediment ponds before the Division permitted the site. The ponds are incised. Designs for the ponds are in Chapter 7.

Findings:

The information provided in the permit application is considered adequate to meet the requirements of this section.

SUPPORT FACILITIES AND UTILITY INSTALLATIONS

Regulatory Reference: 30 CFR Sec. 784.30, 817.180, 817.181; R645-301-526.

Analysis:

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The Permittee met the requirements of this section. A general description of the support facilities is given in Section 5.2.6 of the MRP. The site is a coal processing facility.

Findings:

The information provided in the permit application is considered adequate to meet the requirements of this section.

SIGNS AND MARKERS

Regulatory Reference: 30 CFR Sec. 817.11; R645-301-521.

Analysis:

The Permittee met the requirements of this section. In Section 5.2.1.2 of the MRP, the Permittee describes the signs and markers needed to be in compliance with the regulation.

Findings:

The information provided in the permit application is considered adequate to meet the requirements of this section.

USE OF EXPLOSIVES

Regulatory Reference: 30 CFR Sec. 817.61, 817.62, 817.64, 817.66, 817.67, 817.68; R645-301-524.

Analysis:

General Requirements

The Permittee does not expect to conduct blasting operations on the site.

Findings:

The information provided in the permit application is considered adequate to meet the requirements of this section.

MAPS, PLANS, AND CROSS SECTIONS OF MINING OPERATIONS

Regulatory Reference: 30 CFR Sec. 784.23; R645-301-512, -301-521, -301-542, -301-632, -301-731, -302-323.

Analysis:

Affected Area Maps

The Permittee met the requirements of this section. The Division considers the affected area to be the same as the permit area at this site. The Permittee showed the permit area on Plate 5-1 and other maps

Mining Facilities Maps

The Permittee met the requirements of this section. The site is a coal processing facility and the Permittee showed the facilities on Plate 5-1.

Certification Requirements

The Permittee met the requirements of this section. All appropriate maps have been certified.

Findings:

The information provided in the permit application is considered adequate to meet the requirements of this section.

RECLAMATION PLAN

APPROXIMATE ORIGINAL CONTOUR RESTORATION

Regulatory Reference: 30 CFR Sec. 784.15, 785.16, 817.102, 817.107, 817.133; R645-301-234, -301-412, -301-413, -301-512, -301-531, -301-533, -301-553, -301-536, -301-542, -301-731, -301-732, -301-733, -301-764.

Analysis:

The Permittee met the requirements of this section. In Section 5.5.3.1 of the MRP, the Permittee states that the disturbed area will not be significantly altered from the approximate original contour. Because the area was disturbed for being permitted there are not detailed topographic maps of the area. The surrounding areas are relatively flat and similar to the existing topography.

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The reclamation plan is to restore the site to an industrial use. The topographic requirements for the postmining land use are similar to the existing topographic requirements. Therefore, the site should meet the approximate original contour requirements.

Findings:

The information provided in the permit application is considered adequate to meet the requirements of this section.

BACKFILLING AND GRADING

Regulatory Reference: 30 CFR Sec. 785.15, 817.102, 817.107; R645-301-234, -301-537, -301-552, -301-553, -302-230, -302-231, -302-232, -302-233.

Analysis:

General

The Permittee did not meet the requirements of this section. The Permittee gave a general description of the backfilling and grading plan. The plan did not contain enough specific information for the Division to make a finding that the backfilling and grading requirements would be met.

The Permittee must include a detailed reclamation plan for the site. The Permittee must show where any materials from the coal processing operation will be deposited and what areas will be topsoil.

Findings:

The information provided in the permit application is not considered adequate to meet the requirements of this section. Before approval, the Permittee must provide the following in accordance with:

R645-301-553, The Permittee must give the Division a detailed backfilling and grading plan. The plan must include volumes of materials to be moved, haul distances and grades.

MINE OPENINGS

Regulatory Reference: 30 CFR Sec. 817.13, 817.14, 817.15; R645-301-513, -301-529, -301-551, -301-631, -301-748, -301-765, -301-748.

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Analysis:

The Permittee did not meet the minimum requirements of this section. The Permittee did not address how they would close all underground openings such as wells.

Findings:

The information provided in the permit application is not considered adequate to meet the requirements of this section. Before approval, the Permittee must provide the following in accordance with:

R645-301-551, The Permittee must describe how they will close all underground openings including wells.

ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES

Regulatory Reference: 30 CFR Sec. 701.5, 784.24, 817.150, 817.151; R645-100-200, -301-513, -301-521, -301-527, -301-534, -301-537, -301-732.

Analysis:

Reclamation

The Permittee met the requirements of this section. The Permittee states in Section 5.4.2.6 of the MRP that all roads and parking areas will be left in place for the future landowner.

Retention

The Permittee did not meet the requirements of this section. The Permittee states in Section 5.4.2.6 of the MRP that all roads and parking areas will be left in place for the future landowner.

Currently some of the road surface material is from coal mine waste. Coal mine waste is defined in R645-100 as coal processing waste and underground development waste. R645-301-536 requires that all coal mine waste be placed in disposal areas within the permit area, also see R645-301-542.730.

Findings:

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The information provided in the permit application is not considered adequate to meet the requirements of this section. Before approval, the Permittee must provide the following in accordance with:

R645-301-542.600, The Permittee must state how they will deal with coal processing waste that were used as road base. Such materials cannot be left on the roads at reclamation.

CESSATION OF OPERATIONS

Regulatory Reference: 30 CFR Sec. 817.131, 817.132; R645-301-515, -301-541.

Analysis:

The Permittee met the requirements of this section. In Section 5.1.5.3 of the MRP, the Permittee described the process for temporary cessation.

Findings:

The information provided in the permit application is considered adequate to meet the requirements of this section.

MAPS, PLANS, AND CROSS SECTIONS OF RECLAMATION OPERATIONS

Regulatory Reference: 30 CFR Sec. 784.23; R645-301-323, -301-512, -301-521, -301-542, -301-632, -301-731.

Analysis:

Affected Area Boundary Maps

The Permittee met the requirements for this section. The Division considers the affected area the same as the permit area for this site. The permit area is shown on several maps including Plate 5-1.

Bonded Area Map

The Permittee met the requirements of this section. The bonded area is the same as the permit area. The permit area is shown on several maps including Plate 5-1.

Reclamation Backfilling And Grading Maps

The Permittee did not meet the requirements of this section. The Permittee must provide the Division with detailed reclamation maps and cross sections.

Reclamation Facilities Maps

The Permittee did not meet the requirements of this section. The Permittee must provide the Division with a map that shows the reclamation facilities.

Final Surface Configuration Maps

The Permittee did not meet the requirements of this section. The Permittee must provide the Division with a final surface configuration map.

Reclamation Surface And Subsurface Manmade Features Maps

The Permittee did not meet the requirements of this section. The Permittee must provide the Permittee with a reclamation surface and subsurface manmade features map.

Certification Requirements.

The Permittee met the requirements for this section. All reclamation maps submitted that needed to be certified were certified.

Findings:

The information provided in the permit application is not considered adequate to meet the requirements of this section. Before approval, the Permittee must provide the following in accordance with:

R645-301-542, The Permittee must give the Division detailed maps and cross sections that show, the final surface configuration, the facilities that will remain after final reclamation including all surface and subsurface manmade features.

BONDING AND INSURANCE REQUIREMENTS

Regulatory Reference: 30 CFR Sec. 800; R645-301-800, et seq.

Analysis:

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Determination of Bond Amount

The Permittee did not meet the requirements of this section. The Permittee must provide the Division with a detailed reclamation cost estimate. The Division requested that the Permittee provide a \$165,000 in order to continue operation. The amount was based on a per acre bases used for small bonding small mineral operations. Since there was no approved reclamation plan, the Division had little to base the bond amount on and chose to use a per acre cost.

Based on the requirements of R645-301-830.140 the Division is required to have the Permittee submit a detailed reclamation cost estimate. The Division will use the cost estimate to determine if the bond should be adjusted. A copy of the reclamation cost estimate must be part of the MRP.

Terms and Conditions for Liability Insurance

The Permittee met the requirements of this section. The Permittee has adequate liability insurance.

Findings:

The information provided in the permit application is not considered adequate to meet the requirements of this section. Before approval, the Permittee must provide the following in accordance with:

R645-301-830.130, The Permittee must provide the Division with a detailed reclamation cost estimate for reclaiming the site. The Division needs this information to determine the amount of bond that should be posted.

RECOMMENDATIONS:

The Division should deny the application until all of the above mentioned deficiencies have been addressed.